



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

JUL 29 1999

REPLY TO
ATTENTION OF:

Office of the Chief
Regulatory Branch

John P. Rieger
California Department of Transportation
District 11
PO Box 85406
San Diego, California 92186-5406

Dear Mr. Rieger:

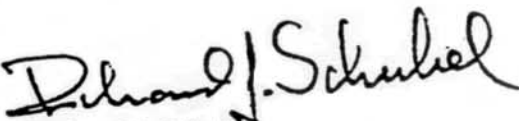
Reference is made to your letters of May 28, 1999 and June 24, 1998, regarding Corps regulatory jurisdiction over irrigation canals operated by the Imperial Irrigation District in the vicinity of Brawley, Imperial County, California. Your inquiry relates to various Caltrans highway projects, including the proposed Brawley Bypass, which may require realignment of several such canals to accommodate construction of new and/or improved roadways.

Based on a review of Corps' policy, previous permit actions in the area and information provided by your office, we have determined that the canals in question are exempted from Corps regulation under Section 404 of the Clean Water Act. Activities that would result in a discharge of fill within these existing canals, for such purposes as realignment, do not require a permit from our office. The Corps concurs with the findings of the delineation report prepared by Tierra Environmental Services and dated July 7, 1997.

Please be advised that this determination does not exempt construction of new canals or drainage ditches with existing waters of the United States or adjacent wetlands. In addition, natural channels that are not used solely for the purpose of irrigation or agricultural drainage may not be exempt from Corps jurisdiction. The Corps reserves the right to review such determinations on a case by case basis.

If you have any questions, please contact Antal Szijj of my staff at (909) 794-7704. Please refer to this letter and 972000500-AJS in your reply.

Sincerely,


Richard J. Schubel
Chief, Regulatory Branch